

E-filing

FILED

JUL 01 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

(PR)

JF

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08

3157

Peter Honesto, The Honesto Estate,

Plaintiff,

vs.

J. Tilton, et. al, Defendant's at  
p.8, and doe Defendant's 1 thru 50

Defendant.

CASE NO. \_\_\_\_\_

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

I, Peter Honesto, declare, under penalty of perjury that I am the  
plaintiff in the above entitled case and that the information I offer throughout this application  
is true and correct. I offer this application in support of my request to proceed without being  
required to prepay the full amount of fees, costs or give security. I state that because of my  
poverty I am unable to pay the costs of this action or give security, and that I believe that I am  
entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_\_ No xx

If your answer is "yes," state both your gross and net salary or wages per month, and give the  
name and address of your employer:

Gross: N/A Net: \_\_\_\_\_

Employer: \_\_\_\_\_

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 Apple Computer 1984  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

9 a. Business, Profession or Yes \_\_\_ No X  
 10 self employment

11 b. Income from stocks, bonds, Yes \_\_\_ No X  
 12 or royalties?

13 c. Rent payments? Yes \_\_\_ No X

14 d. Pensions, annuities, or Yes \_\_\_ No X  
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes \_\_\_ No X  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 N/A  
 22 \_\_\_\_\_

23 3. Are you married? Yes \_\_\_ No X

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: \_\_\_\_\_

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

28 4. a. List amount you contribute to your spouse's support: \$ \_\_\_\_\_

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

N/A

5. Do you own or are you buying a home? Yes \_\_\_ No X

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile? Yes \_\_\_ No X

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes \_\_\_ No X (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_ No X Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No X

8. What are your monthly expenses?

Rent: \$ none Utilities: \_\_\_\_\_

Food: \$ none Clothing: \_\_\_\_\_

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

N/A None

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes \_\_\_\_ No xxx

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in Plaintiff respectfully requests liberal construction as a pro se Plaintiff.

which they were filed. Plaintiff filed a Complaint Peter Honesto v. Cal. A. Terhune, et. al, CIV S-00-2694 LKK JPM P. that was dismissed without prejudice to mitigate the damages of a head injury; Plaintiff has not refiled in the Eastern District, mitigating damages are ongoing, Plaintiff is permanently disabled, requiring treatment, accommodations, housing, classification, Parole Hearings, and updated verification; See Ex.G; Also Peter Honesto v. Cal. Terhune, et. al, CV F 00-6061 REC DLB P, was dismissed for change of venue, Plaintiff provides this information to demonstrate he has not filed frivolous claims and in this Complaint makes new claims and names Defendant's not named in prior Complaints including doe defendants.

I consent to prison officials withdrawing from my trust account and paying to the court

the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

6-17-08

DATE

SIGNATURE OF APPLICANT

Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS**

**IN**

**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Pedro Honesto for the last six months

Corcoran Substance Abuse Treatment Facility/SP where (s)he is confined.

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 1.71 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 1.71.

Dated: 6/11/08

um Jordan  
[Authorized officer of the institution]

## CALIFORNIA DEPARTMENT OF CORRECTIONS

SATF/SP AT CORCORAN

INMATE TRUST ACCOUNTING SYSTEM

INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: DEC. 01, 2007 THRU JUN. 11, 2008

ACCOUNT NUMBER : 055459

BED/CELL NUMBER: FEB2T10000001620

ACCOUNT NAME : HONESTO, PEDRO JOSE

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

## TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
12/01/2007		BEGINNING BALANCE					0.00
ACTIVITY FOR 2008							
02/07/08	W054	INMATE PAYROL 4009/01-08			2.74		2.74
02/11	W516	LEGAL COPY CH 4114/LCOPY				2.74	0.00
03/05/08	W054	INMATE PAYROL 4489/FEB08			2.17		2.17
03/11	W516	LEGAL COPY CH 4610/LCOPY				2.17	0.00
04/07/08	W054	INMATE PAYROL 4970/03-08			1.43		1.43
04/10	W512	LEGAL POSTAGE 5059/LPOST				1.43	0.00
05/06/08	W054	INMATE PAYROL 5497/04-08			0.68		0.68
05/12	W512	LEGAL POSTAGE 5631/LPOST				0.68	0.00
06/05/08	W054	INMATE PAYROL 6021/05-08			3.25		3.25
06/10	W516	LEGAL COPY CH 6150/LCOPY				1.35	1.90

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
05/14/2008	H118	LEGAL COPIES HOLD	5706/05-13	0.90
05/14/2008	H118	LEGAL COPIES HOLD	5706/05-13	4.10
05/20/2008	H109	LEGAL POSTAGE HOLD	5781/05-13	1.51
05/20/2008	H109	LEGAL POSTAGE HOLD	5781/05-13	1.51
05/20/2008	H118	LEGAL COPIES HOLD	5784/05-14	2.50
05/20/2008	H118	LEGAL COPIES HOLD	5784/05-17	2.20
06/06/2008	H118	LEGAL COPIES HOLD	6081/05-23	2.70
06/06/2008	H118	LEGAL COPIES HOLD	6081/05-31	45.45
06/10/2008	H118	LEGAL COPIES HOLD	6160/06-07	1.00

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 05/04/87

CASE NUMBER: 98079

COUNTY CODE: SCL

FINE AMOUNT: \$ 2,500.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
12/01/2007		BEGINNING BALANCE		1,584.99

DATE/SP AT CORCORAN  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: DEC. 01, 2007 THRU JUN. 11, 2008

ACCT: D55459

ACCT NAME: HONESTO, PEDRO JOSE

ACCT TYPE: I

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 05/04/87  
COUNTY CODE: SCLCASE NUMBER: 98079  
FINE AMOUNT: \$ 2,500.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
02/07/08	VR54	RESTITUTION DEDUCTION-SUPPORT	3.04-	1,581.95
03/05/08	VR54	RESTITUTION DEDUCTION-SUPPORT	2.41-	1,579.54
04/07/08	VR54	RESTITUTION DEDUCTION-SUPPORT	1.57-	1,577.97
05/06/08	VR54	RESTITUTION DEDUCTION-SUPPORT	0.74-	1,577.23
06/05/08	VR54	RESTITUTION DEDUCTION-SUPPORT	3.61-	1,573.62

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
 \* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	10.27	0.37	1.90	61.97	0.00

CURRENT  
AVAILABLE  
BALANCE

59.97-



THE WITHIN INSTRUMENT IS A CORRECT  
 COPY OF THE TRUST ACCOUNT MAINTAINED  
 BY THIS OFFICE.  
 ATTEST: JUN 11 2008

CALIFORNIA DEPARTMENT OF CORRECTIONS  
 BY *[Signature]*  
 TRUST OFFICE